



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

DOT-E 12339

**AUG 30 2001**

EXPIRATION DATE: <b>August 31, 2003</b>
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BOC Gases, Murray Hill, NJ

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

- a. This exemption authorizes the transportation in commerce by cargo vessel of DOT Specification 3AL aluminum cylinders (6061 aluminum alloy) containing various Division 2.1 and 2.3 gases that are currently permitted for transport in such cylinders only by highway, rail and, in some cases, cargo-only aircraft. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
- b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATION FROM WHICH EXEMPTED: 49 CFR § 172.301(c) in that the requirement to mark each cylinder with the exemption number is waived; § 173.192(a)(3), § 173.302(a)(5), § 173.302(f), § 173.304(a)(3) and § 173.304(d)(3)(i) in that the transportation of certain compressed gases in DOT-3AL cylinders by cargo vessel is not authorized except as specified herein.

5. BASIS: This exemption is based on the application from McCarthy, Sweeney & Harkaway, P.C. on behalf of BOC Gases, dated August 26, 1999, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Hazardous Materials Description-proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Various compressed gases of Division 2.1 and 2.3	2.1 and 2.3	Various	N/A

7. SAFETY CONTROL MEASURES:

- a. This exemption applies only to DOT specification 3AL cylinders (constructed of 6061 aluminum alloy) that contain Division 2.1. or 2.3 compressed gases that are otherwise authorized for transportation in such cylinders by highway, rail and, in some cases, cargo-only aircraft.
- b. Cylinders authorized for transportation under this exemption may be transported by cargo vessel only when loaded into closed steel freight containers.

8. SPECIAL PROVISIONS:

- a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.
- b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo vessel.10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by this exemption.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law 49 U.S.C. 5101 et seq.:

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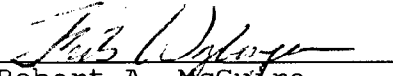
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure or failure of freight containers to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, as soon as practicable of any incidents involving shipments made under this exemption.

Issued in Washington, D.C.

  
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

8/30/01 (Date)

Address all inquiries to : Associate Administrator for Hazardous Materials Safety, research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31

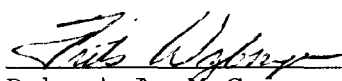
The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO:USCG/EP/sln

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Matheson Tri-Gas East Rutherford, NJ	Feb 19, 2001	<b>AUG 30 2001</b>	Aug 31, 2003

  
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Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety